File No. 24 of 05-'06.
Serial Nos. 164

1907.

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

Part A: Manuscript
for August '06

Serial Nos. 164.

G. R. S. 11] 1905-06

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

NOTES.

File No. 24 of 05-06

File Heading.

Amendment of the Mysore Excise Regulation No V of 1901.

From

The Excise Commissioner in Mysore

No. 440 Dated 14.3.06 Received ~~26-3-06~~

Diary No. ~~J 2456~~	~~Enclos. /~~ ~~Spare Copies.~~	Serial No. /

Brief Abstract of Letter

Submits a copy of the Madras Abkari Amendment Act of 1905 making certain additions to Sections 5, 34 & 40 and recommends that the Mysore Excise Regulation No V of 1901 be accordingly amended

NOTES AND ORDERS

1) Submitted for orders.

KHH 2-4-06 SN 2-4-06

2) The additions proposed are desirable Please put up a draft Regn in the usual form & a letter to the ~~J~~ A Resident explaining the necessity for the measure (as in the 2 Cases cited) ~~& the proceedings of the Madras Govt~~ Also put up the Abkari Act Amended

HJR

KDL 4-2

K.K.S. 5-4-06

Notes—First sheet

MGCPB—30,000—17-2-05.

G.R.S..12]

General and Revenue Secretariat.

Legn. File No. 24 of 1905-06

Serial No.

3 Submitted with a Draft Regulation and a letter to the J.A. Resident, as directed. The refls. called for are also enclosed.

KHL SW
16.4.06 17-4-06

4) Subd to the Asst-Counsellor.

K.S.C. 21-4-06

5) Mayhew returned this a very necessary provision. Amanda Jano

F.C. Mayo

6) To the Asst for Legislation

B.K.V. 2.5.1906

7) The proposed amendment is quite necessary in the interests of the Public and may be passed

H.W. Kittermaster
2d Counsellor

3/5/06

Recorded 1335 2-5-1906

Draft

NOTE—Contn. sheet

GPB—50,000—23 10-05

(1006)

G.R.S. 16]

GENERAL AND REVENUE SECRETARIAT.

Council matter for disposal by Circulation.

SUBJECT.

Draft of a Regulation further to amend the Mysore Excise Regulation no. V of 1901, So as to provide for the admission of persons arrested under Section 34 to bail, till they are produced for enquiry before the Excise Officer &c.

CIRCULATED TO COUNCILLORS.

By Order,

Secretary.

2. 5. 1906.

1. J. Ananda Row Esqr. B.A., First Councillor — Seen by the Dr.

2. K. P. Puttanna Chetty Esqr. Second Councillor —

Read 3.5.06.

3/5/06.

525/61/5/06.

4. 5. 1906

MGCPB – 1,200—3-3-05

Brouft of a Deputation from the
Common Hall. Copies of Petitions
No. V & VI. &c. &c. Proceeds upon the
Petition of the Livery of London
agreed upon in Common Hall
against the Expulsion
of Peers

G.R.S. 15

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— Draft of a Regulation further to amend the Abkari Excise Regulation No V of 1901. —

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat	16-3-06	
Submitted to Secretary	17-4-06	
Submitted by Secretary ~~to Dewan or~~ Councillor in charge	21-4-06	
Returned to Secretary	1-5-06	
Circulated by Secretary for Council ...	2-5-06	
Forwarded by 2nd Councillor	3-5-06	
Forwarded by Councillor		
Received in Secretariat	4-5-1906	
Considered in Council	~~5-5-06~~ Disposed by circulation	
Submitted to the Dewan	5-5-06	
Submitted to His Highness	7.5.06	
Orders passed by His Highness	8-5-06	
Final Orders issued	14.5.06	
Circulated to 1st Councillors	16-5-06	
Passed on by the 1st Councillor	24 May	
Returned to Secretary by Councillor...	25-5-06	

Cir. 113 16-5-1906

Recd 25/5/06

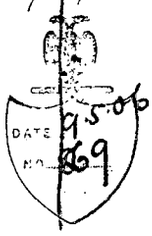
MGCPB—1200 16.2.06

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft of a Regulation further to amend the Mysore Excise Regulation V of 1901, with a draft to Residency.

Order.



Approved
KRW
8/5/06

25/5/06

9/5/1906

B.K.V.

5

G.R.S. 12]

General and Revenue Secretariat. | File No. 24 of 1905-06

Serial No.	
	Fo
	The First Asst: to the Hon'ble the
2	Residents in Mysore -
	Pol. no. 915 of 14.5.06
	Forwards for obtaining
	the Sanction of the Govt. of India, the
	draft of a Regulation further to
	amend the Mysore Excise Regulation
	V of 1901, in the matter of facilitati
	the admission to bail of persons
	arrested under the Excise Regulation.
	From -
3	The Same officer -
	No. 4449 dated the 7th August 1906.
	States that the draft
	Regulation further to amend the Mysor
	Excise Regulation V of 1901, is approved
	by the Government of India subject
	to article 19 of the Instrument of Transfer.
	Submitted with two clean copies of
	the draft Amendment of the Excise Regu-
	-lation which has now to be submitted
	to His Highness for sanction, prior to
	publication in the Gazette.

Kuriafa Mathew Rao

C.R.D. 9.8.06

To See

K.S.C. 9.8.06

9-8-06

To Decision

9.8.06

1758 9/8/06

NOTE—Contn. sheet

GRB—50,000—23 10-05

12 *Submitted to His Highness.*

Sanction may be accorded to the promulgation of the Draft Regulation to amend the Mysore Excise Regulation , V of 1901, which has received the approval of the Government of India.

V. P. Madhva Rao.
12/8/1906.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

DATE 13.8.06
NO. 141

Sanction for promulgating;-The Draft Regulation to amend the Mysore Excise Regulation. V of 1901.

Order.

Sanctioned
K R W
14/8/06

V.P.
14/8/1906
K.S.C

G.R.S. 12]

General and Revenue Secretariat.

File No. 24 of 1905-06

Serial No.	
15	Submitted with a draft order promulgating the Mysore Excise amendment Regulation V of 1906.
	C.R.D. 18.8.06 16) Passed by Kurian Mathew 18.8.06
	Vide 18/8/06
	K.K. 18-8-06
4	To the Computer Mysore Gazette no g 490 & 20.8.06 directs the promulgation of the above Regulation — no g 491 & 20.8.06, Copy of the above to the Excise Commissioner in Mysore.

NOTE—Contn. sheet

GPB—50,000—23 10-05

~~Memo No 2456 Dt 3827~~ Legis File No 24 Dtd 05-06.

Letter No. 440 ~~OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.~~

DATED BANGALORE, 14th March 1906.

From

P. N. Purnaiya Esq B.A.

Excise Commissioner in Mysore.

To

B. K. Venkatavaradangar Esq.

Secretary to the Government of His Highness the Maharaja of Mysore,

General and Revenue Departments.

~~Sir,~~

I have the honour to submit Copy of the Madras Abkari Amendment Act of 1905 making certain additions to Sections 5, 34 and 40 and to recommend that our Excise Regulation V of 1901 may accordingly be amended.

~~Hegf~~

2. As the Regulation now stands, a person arrested under Section 34 thereof cannot be released on bail unless he is produced before the Excise Inspector or in the Police Station and the Excise Inspector can let him on bail only when he has completed the enquiry This causes unnecessary trouble and inconvenience to the arrested persons which could

Could be avoided by adopting the amendment introduced by the Madras Government.

I have the honour to be,

Sir,

Your most obedient servant

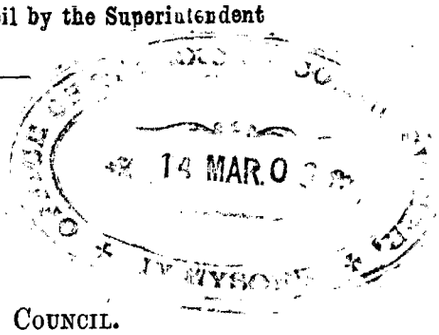
K. Gopalacharlu

for Excise Commissioner.

Guntur

Enclosure to the above. 3

[Printed under the authority of the Governor of Fort St. George in Council by the Superintendent of the Government Press, Madras.]



MADRAS ACT No. I OF 1905.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the 31st March 1905, and that of the Governor General on the 14th April 1905.*]

An Act to amend the Madras Abkári Act I of 1886.

Mad. I of 1886

WHEREAS it is expedient to amend the Madras Abkári Act, 1886 (hereinafter referred to as "the said Act"); It is hereby enacted as follows: Preamble.

1. This Act may be cited as the Madras Abkári (Amendment) Act, 1905. Short title.

2. *The following shall be inserted in the said Act as section 5-A:* Insertion of a new section after section 5.

5-A. The Governor in Council may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout the Presidency or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before an Abkári officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such notification. Power of Local Government to authorize officers to admit persons arrested to bail.

3. *The following shall be added as a proviso to section 34 of the said Act:* Addition of a proviso to section 34.

Provided that if the officer or person making the arrest under this section be not empowered under section 5-A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place. Procedure in case of person arresting not being empowered under section 5-A.

And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Abkári officer having jurisdiction to enquire into the case.

4. *In section 40, sub-section (1), of the said Act, between the words* accepted under the provisions of section 31 *and the word* forthwith *the following words shall be inserted, namely:* Amendment of section 40.

or of section 34;

and in sub-section (3) between the words on bail *and the words* such officer *the following words shall be inserted, namely:*

or when such Abkári officer as aforesaid has himself made the arrest.

5. *The following shall be inserted as a proviso to section 40 of the said Act:* Addition of a proviso to section 40.

Provided that if such enquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Abkári officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Abkári officer having jurisdiction to enquire into the case. Power of Abkári officer to admit persons to bail to appear before himself or other officer having jurisdiction.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

[PRICE, 6 *pies.*]

Letter No Pol. 915 Dt 14th May 1906 from
B. K. Venkata Varada Aiyangar Esqr
Secretary to Govt. Gen. & Rev. Dept

To

The First Asst to the Hon'ble the
Resident in Mysore.

~~Pol No 915 Dt 14.5.06~~
Secret
8 No 2

~~Sir,~~

I am directed to forward herewith the Draft of a Regulation further to amend the Mysore Excise Regulation V of 1901, and to request that the sanction of the Government of India may kindly be obtained for its being passed into law.

2. The Draft Regulation is a reproduction of the Madras Abkari Act I of 1905, and is intended to facilitate the admission to bail of persons arrested under the Excise Regualtion,- a matter in regard to which the existing law is deficient. * At present ~~Thus~~ a person arrested under sec. 34 of the Excise Regulation cannot be released on bail, unless he is produced before the Excise Inspector or at the nearest Police Station; and the Excise Inspector can let him on bail only when he has completed the enquiry, thereby causing unnecessary trouble and inconvenience to the person arrested.

* ~~As per alteration of the Secy in the form 14/5/06. Copy.~~

Specimen case.
14/5/06

I have &c.,

Secretary.

Received 14/5/06
Examined

Pol 204

5 J 361

F. no: 24 of 05
S. no: 3.

Letter — No. 4449 Dt/Bangalore 15 May 06

FROM

P. L. Moore Esquire, I. C. S.,
Offg: FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

~~Dated Bangalore, 7th August 1906~~

iii
Recd 7-5-06
Legis 4-30 pm

~~SIR,~~

I am directed to acknowledge the receipt of Mr. Venkatavaradiengar's letter Pol No. 915, dated the 14th May 1906, forwarding a draft Regulation which the Durbar propose to enact further to amend the Mysore Excise Regulation V of 1901.

2. The draft Regulation is approved by the Government of India on the condition that the Governor General in Council retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

~~I have the honour to be,~~

~~Sir,~~

~~Your most obedient servant,~~

P. L. Moore

~~Offg: First Assistant Resident.~~

JK

GOVERNMENT OF MYSORE,

LEGISLATIVE DEPARTMENT.

~~Legis II. no: 24-05~~
S. no: 4

Read ~~the following papers~~:—

Letter no: 440 dated the 14th March 1906 from the Excise Commissioner in Mysore, ~~submitting~~ stating that the Madras Abkari Amendment Act I of 1905 makes certain additions to sections 5, 34 and 40 of the principal Act and ~~stating~~ that the Mysore Excise Regulation IV of 1901, which is based on the Madras Act, may accordingly be amended, so as to provide for the admission to bail of persons arrested under the said Regulation;—

No. ~~Legis.~~ dated 20 August 1906.

No 490 | Legis 24-05-4 | 20/8/06

ORDER THEREON.—Ordered that the Draft Regulation ~~further to amend~~ the Mysore Excise Regulation V of 1901,

which received the assent of His Highness the Maharaja on the 14th day of August 1906, be promulgated.

K. S. Chandrasekhara Iyer
Secretary to Govt.,
Gen. & Rev. Depts.

To

The Compiler, *Mysore Gazette*, with a copy of Regulation No. V of 1906, for publication in three successive issues of the Gazette and for supply of 500 spare copies to this office.

GPB—200—10-8-06

Copied by 20/8/06
Examd by 20/8/06

Letter No 491 | Legis 24-05-4 | 20/8/06 from the Secretary to Govt. Gen. & Rev. Depts. to the Excise Commissioner in Mysore.

By order
Forwarded by copy of the above
for Secretary.

CRD
18.8.06
18-8-06

Regulation No. V of 1906.

Passed on the 14th day of August 1906)

A Regulation further to amend the Mysore Excise Regulation V of 1901.

Preamble. Whereas it is expedient further to amend the Mysore Excise Regulation, 1901 (hereinafter referred to as " the said Regulation"); His Highness the Maharaja is pleased to enact as follows:-

Short title. 1. This Regulation may be cited as the Mysore Excise (Amendment) Regulation 1906.

Insertion of a new ~~section~~ section after section 5. 2. The following shall be in inserted in the said Regulation as section 5-A:-

Power of Government to authorise officers to admit persons arrested to bail. "5-A. The Government may, by Notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout Mysore or in any local area, to admit a person arrested under that

section to bail to appear, when summoned or otherwise directed, before an Excise officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such notification."

Addition of a proviso to section 34.

3. The following shall be added as a proviso to section 34 of the said Regulation:

Procedure in case of person arresting not being empowered under section 5-A.

" Provided that if the officer or person making the arrest under this section be not empowered under section 5-A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place."

" And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Excise officer having jurisdiction to enquire into the case."

Amendment of section 40.

4. In section 40, sub-section (1),

of the said Regulation, between the words "accepted under the provisions of section 31" and the word "forthwith", the following words shall be inserted, namely:-/

" or of section 34";

and in sub-section (3), between the words " on bail" and the words " such officer", the following words shall be inserted, namely:—

" or when such Excise officer as aforesaid has himself made the arrest".

Addition of a proviso to section 40.

5. The following shall be inserted as a proviso to section 40 of the said Regulation.

Power of Excise officer to admit persons to bail to appear before himself or other officer having jurisdiction.

"Provided that if such enquiry is not commenced and completed on the day on which such person is arrested by, or is brought, or appears, before such Excise officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Excise officer having jurisdiction to enquire into the case."

-/Sd- V. P. Madhava Rao
Dewan

CRD
9.8.06

REGULATION No. V OF 1906

(PASSED ON THE 14TH DAY OF AUGUST 1906.)

A Regulation further to amend the Mysore Excise Regulation V of 1901.

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901 (hereinafter referred to as "the said Regulation"); His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Short title.

1. This Regulation may be cited as the Mysore Excise (Amendment) Regulation 1906.

Insertion of a new section after section 5.

2. The following shall be in inserted in the said Regulation as section 5-A :—

Power of Government to authorise officers to admit persons arrested to bail.

"5-A. The Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout Mysore or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before an Excise officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such notification."

Addition of a proviso to section 34.

3. The following shall be added as a proviso to section 34 of the said Regulation :—

Procedure in case of person arresting not being empowered under section 5-A.

"Provided that if the officer or person making the arrest under this section be not empowered under section 5-A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place."

"And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Excise officer having jurisdiction to enquire into the case."

Amendment of section 40.

4. In section 40, sub-section (1), of the said Regulation, between the words "accepted under the provisions of section 31" and the word "forthwith," the following words shall be inserted, namely :—

"or of Section 34";

and in sub-section (3), between the words "on bail" and the words "such officer" the following words shall be inserted, namely :—

"or when such Excise officer as aforesaid has himself made the arrest."

Addition of a proviso to section 40.

5. The following shall be inserted as a proviso to section 40 of the said Regulation :—

Power of Excise officer to admit persons to bail to appear before himself or other officer having jurisdiction.

"Provided that if such enquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Excise officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Excise officer having jurisdiction to enquire into the case."

V. P. MADHAVA RAO,
Dewan.